

Public Law 746

CHAPTER 1164

AN ACT

August 31, 1954
[H. R. 7840]

To amend the Railroad Retirement Act, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act.

Railroad acts,
amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PART I—AMENDMENTS TO THE RAILROAD RETIREMENT ACT

50 Stat. 309.
45 USC 228a.

Delegate's com-
pensation.

SECTION 1. Subsection (h) of section 1 of the Railroad Retirement Act of 1937, as amended, is hereby amended by inserting after the end of the last sentence thereof the following: "Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an 'employer' in subsection (a) of this section shall be disregarded for purposes of determining eligibility for and the amount of benefits pursuant to this Act if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his 'years of service'."

45 USC 228b.

SEC. 2. The last paragraph of subsection (a) of section 2 of the Railroad Retirement Act of 1937, as amended, is hereby amended by striking the fourth sentence thereof.

Annuity pay-
ments.

SEC. 3. Subsection (d) of section 2 of the Railroad Retirement Act of 1937, as amended, is hereby amended by adding after the end thereof the following paragraph:

Accruals.

Report to Board.

"No annuity under paragraph 4 or 5 of subsection (a) of this section shall be paid to an individual with respect to any month in which the individual is under age sixty-five and is paid more than \$100 in earnings from employment or self-employment of any form: *Provided*, That for purposes of this paragraph, if a payment in any one calendar month is for accruals in more than one calendar month, such payment shall be deemed to have been paid in each of the months in which accrued to the extent accrued in such month. Any such individual under the age of sixty-five shall report to the Board any such payment of earnings for such employment or self-employment before receipt and acceptance of an annuity for the second month following the month of such payment. A deduction shall be imposed, with respect to any such individual who fails to make such report, in the annuity or annuities otherwise due the individual, in an amount equal to the amount of the annuity for each month in which he is paid such earnings in such employment or self-employment, except that the first deduction imposed pursuant to this sentence shall in no case exceed an amount equal to the amount of the annuity otherwise due for the first month with respect to which the deduction is imposed."

45 USC 228c.

SEC. 4. Subsection (a) of section 3 of the Railroad Retirement Act of 1937, as amended, is hereby amended by substituting "\$200" for "\$150".

SEC. 5. Subsection (b) (1) of section 3 of the Railroad Retirement Act of 1937, as amended, is hereby amended by substituting for the parenthetical phrase "(including compensation in any month in excess of \$300)" wherever it appears the phrase "(without regard to any limitation on the amount of compensation otherwise provided in this Act)".

SEC. 6. Subsection (c) of section 3 of the Railroad Retirement Act of 1937, as amended, is hereby amended by inserting after the figure "300" the following: "for any month before July 1, 1954, or in excess of \$350 for any month after June 30, 1954,"; and by adding at the end thereof the following: "If the employee earned compensation in service after June 30, 1937, and after the last day of the calendar year in which he attained age sixty-five, such compensation and service

shall be disregarded in computing the monthly compensation if the result of taking such compensation into account in such computation would be to diminish his annuity."

SEC. 7. Subsection (e) of section 3 of the Railroad Retirement Act of 1937, as amended, is hereby amended by inserting after the comma following the word "respectively" the following: "individuals entitled to insurance annuities under subsections (a) and (d) of section 5 to have attained age sixty-five, and individuals entitled to insurance annuities under subsection (c) of section 5 on the basis of disability to be less than eighteen years of age,"; and by substituting the words "of the Social Security Act" for the word "thereof" in the last parenthetical phrase of the subsection.

SEC. 8. Subsections (a) and (d) of section 5 of the Railroad Retirement Act of 1937, as amended, are hereby amended by substituting the word "sixty" for the word "sixty-five".

SEC. 9. Subsection (f) (2) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by substituting the word "sixty" for the word "sixty-five" wherever it appears; by inserting after the phrase "pursuant to subsection (k) of this section," where it first appears, the following: "upon attaining age sixty-five at a future date, will be payable"; by inserting after the word "month" in the parenthetical phrase the following: "before July 1, 1954, and in the latter case in excess of \$350 for any month after June 30, 1954"; and by inserting after the phrase "pursuant to subsection (k) of this section," where it first appears in the proviso the phrase: "upon attaining age sixty-five be entitled to further benefits".

SEC. 10. Subsection (g) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by striking the last sentence of paragraph (2).

SEC. 11. Subsection (i) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by inserting the word "or" after the semicolon in clause (ii) of paragraph (1); by striking clause (iii) of such paragraph; and by redesignating clause (iv) of such paragraph as clause (iii).

SEC. 12. Subsection (l) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by striking from paragraph (1) (ii) the phrase "and less than eighteen years of age" and substituting in lieu thereof the following: "and shall be less than eighteen years of age, or shall have a permanent physical or mental condition which is such that he is unable to engage in any regular employment: *Provided*, That such disability began before the child attains age eighteen". Such subsection is further amended by changing the semicolon at the end of paragraph (1) to a period, and adding the following: "Such satisfactory proof shall be made from time to time, as prescribed by the Board, of the disability provided in clause (ii) of this paragraph and of the continuance, in accordance with regulations prescribed by the Board, of such disability. If the individual fails to comply with the requirements prescribed by the Board as to the proof of the continuance of the disability his right to an annuity shall, except for good cause shown to the Board, cease;"

SEC. 13. Subsection (l) (9) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by inserting after the term "calendar month" the phrase: "before July 1, 1954, and any excess over \$350 for any calendar month after June 30, 1954"; and by substituting the figure "350" for the figure "300" where it appears the second time.

SEC. 14. Subsection (l) (10) (i) of section 5 of the Railroad Retirement Act of 1937, as amended, is hereby amended by substituting the figure "350" for the figure "300".

45 USC 228c.

45 USC 228e.

45 USC 228e.

45 USC 228a et
seq.
Waiver.

SEC. 15. The Railroad Retirement Act of 1937, as amended, is hereby amended by adding at the end thereof the following new section:

"SEC. 20. Any person awarded an annuity or pension under this Act may decline to accept all or any part of such annuity or pension by a waiver signed and filed with the Board. Such waiver may be revoked in writing at any time, but no payment of the annuity or pension waived shall be made covering the period during which such waiver was in effect. Such waiver shall have no effect on the amount of the spouse's annuity, or of a lump sum under section 5 (f) (2), which would otherwise be due, and it shall have no effect for purposes of the last sentence of section 5 (g) (1)."

Ante, p. 1039.

PART II—AMENDMENTS TO THE RAILROAD RETIREMENT TAX ACT

60 Stat. 723.
26 USC 1500.

SEC. 201. Section 1500 of the Railroad Retirement Tax Act is hereby amended by inserting after the word "month" the following: "before July 1, 1954, and as is not in excess of \$350 for any calendar month after June 30, 1954".

26 USC 1501.

SEC. 202. Section 1501 of the Railroad Retirement Tax Act is hereby amended by inserting after the figure "300" where it first appears the following: "for any month before July 1, 1954, or in excess of \$350 for any month after June 30, 1954"; and by inserting after the figure "300" where it appears the second time, the following: "if such month is before July 1, 1954, or is less than \$350 if such month is after June 30, 1954".

26 USC 1510.

SEC. 203. Section 1510 of the Railroad Retirement Tax Act is hereby amended by inserting after the word "month" the following: "before July 1, 1954, and as is not in excess of \$350 for any calendar month after June 30, 1954".

26 USC 1520.

SEC. 204. Section 1520 of the Railroad Retirement Tax Act is hereby amended by inserting after the word "month" where it first appears the phrase: "before July 1, 1954"; by inserting after the figure "\$300" where it first appears the following: ", and for any calendar month after June 30, 1954, not in excess of \$350"; by inserting after the phrase "shall apply" where it first appears the phrase: ", with respect to any calendar month before July 1, 1954,"; by inserting after the figure "300" where it appears the second time, the phrase: ", and with respect to any calendar month after June 30, 1954, to not more than \$350,"; and by inserting after the figure "300" where it appears the third time the phrase: "if the month is before July 1, 1954, or is less than \$350 if the month is after June 30, 1954".

26 USC 1532.

Delegate's com-
pensation.

SEC. 205. Subsection (e) of section 1532 of the Railroad Retirement Tax Act is hereby amended by inserting at the end thereof the following sentence: "Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an 'employer' in subsection (a) of this section shall be disregarded for purposes of determining the amount of taxes due pursuant to this subchapter if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his 'years of service' for purposes of the Railroad Retirement Act."

45 USC 228 et
seq.

68 A Stat. 431,
432, 433.

SEC. 206. (a) Section 3201, section 3202 (a), section 3211, and section 3221 of the Internal Revenue Code of 1954 are hereby amended by striking out "\$300" each place it appears in each such section and inserting in lieu thereof "\$350".

68A Stat. 437.

(b) Section 3231 (e) (1) of the Internal Revenue Code of 1954 is hereby amended by inserting at the end thereof the following sentence: "Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an 'employer' in subsection (a) of this section shall be disregarded

for purposes of determining the amount of taxes due pursuant to this chapter if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his 'years of service' for purposes of the Railroad Retirement Act."

45 USC 228 et
seq.

PART III—AMENDMENTS TO RAILROAD UNEMPLOYMENT INSURANCE ACT

SEC. 301. Subsection (g) of section 1 of the Railroad Unemployment Insurance Act is hereby amended by adding at the end thereof the following sentence: "For purposes of determining eligibility for and the amount of benefits and the amount of contributions due pursuant to this Act, employment as a delegate to a national or international convention of a railway labor organization defined as an 'employer', in subsection (a) of this section, shall be disregarded if the individual having such employment has not previously rendered service, other than as such a delegate, which may be included in his 'years of service' for purposes of the Railroad Retirement Act."

Employment as
delegate.
52 Stat. 1095.
45 USC 351.

SEC. 302. Subsection (i) of section 1 of the Railroad Unemployment Insurance Act is hereby amended by inserting after the term "calendar month" where it first appears the phrase: "before July 1, 1954"; and by inserting before the period at the end of the first sentence the phrase: "and with respect to any calendar month after June 30, 1954, no part of any compensation in excess of \$350 shall be recognized".

SEC. 303. Subsection (k) of section 1 of the Railroad Unemployment Insurance Act is hereby amended by substituting the figure "400" for the figure "150". Section 3 of the Railroad Unemployment Insurance Act is hereby amended by substituting the figure "400" for the figure "300".

45 USC 353.

SEC. 304. (a) Subsection (a) of section 2 of the Railroad Unemployment Insurance Act is hereby amended by substituting for the table the following:

45 USC 352.

Column I Total compensation	Column II Daily benefit rate
\$400 to \$499.99	\$3.50
\$500 to \$749.99	4.00
\$750 to \$999.99	4.50
\$1,000 to \$1,299.99	5.00
\$1,300 to \$1,599.99	5.50
\$1,600 to \$1,999.99	6.00
\$2,000 to \$2,499.99	6.50
\$2,500 to \$2,999.99	7.00
\$3,000 to \$3,499.99	7.50
\$3,500 to \$3,999.99	8.00
\$4,000 and over	8.50

Provided, however, That if the daily benefit rate in column II with respect to any employee is less than an amount equal to 50 per centum of the daily rate of compensation for the employee's last employment in which he engaged for an employer in the base year, such rate shall be increased to such amount but not to exceed \$8.50. The daily rate of compensation referred to in the last sentence shall be as determined by the Board on the basis of information furnished to the Board by the employee, his employer, or both."

(b) Subsection (c) of section 2 of the Railroad Unemployment Insurance Act is hereby amended by changing the period at the end thereof to a colon and by inserting after the colon the following: "*Provided, however,* That the total amount of benefits which may be paid to an employee for days of unemployment within a benefit year shall in no case exceed the employee's compensation in the base

Unemployment
benefits.

year; the total amount of benefits which may be paid to an employee for days of sickness, other than days of sickness in a maternity period, within a benefit year shall in no case exceed the employee's compensation in the base year; and the total amount of benefits which may be paid to an employee for days of sickness in a maternity period shall in no case exceed the employee's compensation in the base year on the basis of which the employee was determined to be qualified for benefits in such maternity period."

45 USC 358.

SEC. 305. Subsection (a) of section 8 of the Railroad Unemployment Insurance Act is hereby amended by inserting after the date "June 30, 1939" the following: ", and before July 1, 1954, and is not in excess of \$350 for any calendar month paid by him to any employee for services rendered to him after June 30, 1954"; by inserting after the figure "300" where it first appears in the proviso of the subsection the following: "for any month before July 1, 1954, and to not more than \$350 for any month after June 30, 1954."; and by inserting after the figure "300" where it appears the second time in the proviso the following: "if such month is before July 1, 1954, or less than \$350 if such month is after June 30, 1954".

SEC. 306. Subsection (b) of section 8 of the Railroad Unemployment Insurance Act is amended by inserting after the date "June 30, 1939", the following: ", and before July 1, 1954, and as is not in excess of \$350 paid to him for services rendered as an employee representative in any calendar month after June 30, 1954".

PART IV—EFFECTIVE DATES

SEC. 401. The amendments made by this Act shall be effective July 1, 1954, except as otherwise provided.

SEC. 402. The provisions of sections 1, 205, and 301 of this Act shall be effective with respect to compensation paid on and after April 1, 1954.

SEC. 403. The provisions of sections 2, 3, 7, 8, 9, 11, 12, and 15 of this Act shall be effective as of the first day of the first calendar month following the month in which this Act is enacted.

Ante, p. 1038.

SEC. 404. The annuity awarded under paragraph 4 or 5 of section 2 (a) of the Railroad Retirement Act to any person who has been deemed to have recovered from his disability, pursuant to the provisions of the last paragraph of section 2 (a) as in effect prior to the enactment of this Act, shall be reinstated to begin the first day of the first calendar month following the month in which this Act is enacted and deemed, for purposes of section 2 (d) only, never to have ceased: *Provided*, That such proof is made of the continuance of such disability as is required in accordance with the provisions of such paragraph which are not amended by this Act.

Ante, p. 1038.

Ante, p. 1038.

SEC. 405. The provisions of section 6 of this Act amending subsection (c) of section 3 of the Railroad Retirement Act, by adding a sentence at the end of the subsection, shall be effective as of November 1, 1951: *Provided, however*, That no increase in any annuity heretofore awarded shall be granted pursuant to the amendments made by such section except upon application therefor by the person to whom the annuity was awarded.

SEC. 406. The provisions of section 10 of this Act shall be effective with respect to annuities accruing and annuities awarded on and after the first day after the enactment of this Act.

SEC. 407. The amendments to the Internal Revenue Code of 1954 made by section 206 shall become effective as if enacted as a part of the Internal Revenue Code of 1954.

Approved August 31, 1954.